

## Remarks/Arguments

### The Claims

Claims 1-42 are pending in the application as filed have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue claims of corresponding subject matter in subsequently filed applications. New claims 43-57 have been added. Support for these claims is found at, for example, p. 23, lines 22-35 of the specification. The new claims do not add new matter and do not raise new issues requiring further consideration and/or search. Entry of the claims is respectfully requested.

### Office Action of December 15, 2003

The Examiner asserted in his action of December 15, 2003 that Applicant's amendment of September 10, 2003 was non-responsive for presenting only claims drawn to a non-elected invention. It was alleged that the originally elected invention (Claim 42) was drawn to an *in vitro* assay using ODAR whereas Claims 43-54 proposed in Applicant's amendment were drawn to *in vivo* methods that test the ability of a compound to effect bone density.

Without acquiescing to the rejection and solely to advance prosecution, Applicant has filed a continuation application under 37 CFR 1.53(b) presenting new claims 43-57.

## CONCLUSION

Claims 43-57 are in condition for allowance and an early notice thereof is solicited. The Commissioner is hereby authorized to charge any additional filing fees which may be required by this preliminary amendment, any additional fees which may be required during pendency of this application as required by 37 CFR 1.16 or 1.17, or credit any overpayment to Deposit Account No. 01-0519 throughout the prosecution of this application.

Respectfully submitted,



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